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DEC 30 2003

In re Application of
Van Benthem et al ¹⁵⁴
Application No. 09/645,243
Filed: January 5, 2001
Attorney Docket No. 030268-0275922

OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.182

This is a decision on the petition filed November 10, 2003, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed July 17, 2002, be withdrawn. The \$130 petition fee has been received.

The petition is granted.

Petitioners assert that as the claims for which the aforementioned terminal disclaimer was originally proffered have now been amended to remove the basis for the previous obviousness-type double patenting rejection, there is no further need for the disclaimer to remain recorded against this application. The undersigned has consulted with the examiner in charge of this application, and has found that the examiner concurs with petitioners' assertion. Accordingly, the terminal disclaimer is withdrawn. USPTO records for the above-identified application have been changed consistent with this decision.

Telephone inquiries related to this decision should be addressed to the undersigned at (703) 305-1820.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy